

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ALEXANDER PAEZ,

Plaintiff,

v.

CHILDREN'S HEALTH SYSTEM OF TEXAS,

Defendant.

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Civil Action No. 3:23-cv-2243-E

WAIVER OF SERVICE OF SUMMONS

TO: Plaintiff Alexander Paez, by and through his counsel of record, Travis Gasper, GASPER LAW PLLC, 1408 N. Riverfront Blvd., Ste. 323, Dallas, Texas 75207.

I acknowledge receipt of your request to waive service of a summons in the action stated above, which was filed in the United States District Court for the Northern District of Texas. I have also received a copy of the complaint in this action, a copy of this waiver form, and we have agreed I can return the signed waiver to you without cost to me.

I agree to save the expense of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 and I hereby certify that I am authorized to waive personal service on behalf of the defendant named in this civil action and accept service on behalf of the defendant.

Defendant will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court, except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against Defendant if an answer or motion under Rule 12 is not served upon you within 60 days after the date your request for this waiver was sent, which was October 10, 2023.

Date: October 23, 2023

Signature: /s/ Jamie Ashton

Printed Name: Jamie Ashton (Texas Bar No. 24087211)

Attorney for Defendant Children's Health System of Texas

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Summons and Complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the Complaint is unfounded or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or the unrepresented Plaintiff) a response to the Complaint and must also file a signed copy of the response with the Court. If the Answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.